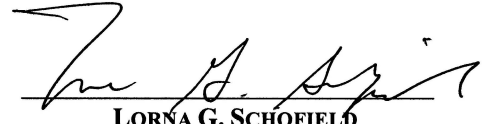


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

John J. Otrompke, JD,
Plaintiff

vs.

Acting Presiding Justice of the New York)
Supreme Court, Appellate Division, First)
Department Dianne T. Renwick, et al)
Defendants)

22-CV-4676

Defendants shall file a letter in response, not to exceed two pages, by **June 2, 2023**. Such letter shall include a statement as to the form and content of any communications between the parties regarding service. So Ordered.

Dated: May 30, 2023
New York, New York

PLAINTIFF'S MOTION TO RECOUP SERVICE FEES FORTHWITH UNDER FRCP 4

1. On March 9, 2023, Plaintiff requested the 6 defendants to waive service per FRCP 4.
2. Defendant McAlary did so on April 3, 2023.
3. By May 12, none of the other defendants had waived service.
4. On May 12, Plaintiff had served all defendants except Robert Wolff, who was served on May 16.
5. On May 16, Plaintiff filed the returned summonses with the clerk.
6. The very next day, defendants purported to waive service.
7. When Plaintiff requested reimbursement for the cost of service (copying and mail), Defendants stated that as they had waived service, they did not have to pay the costs of service.
8. Rule 4(d)(1) states, "An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons."
9. Rule 4(d)(2) provides, "If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant: (A) the expenses later incurred in making service; and (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

10. Because Plaintiff is a pauper right now, I would like to request that the money be received immediately.

WHEREFORE, Plaintiff, John Otrompke, hereby requests Defendants reimburse him forthwith the sum of \$48.08 for his expenses in accomplishing service.

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Respectfully submitted,

John Otrompke